



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Chen et al.

Serial No.: 10/613,495

Filed: July 2, 2003

For: INKJET RECORDING MATERIALS

Confirmation No.: 4418

Examiners: P. Schwartz

Group Art Unit: 1774

Attorney Docket No.: 2858.01-5607US

NOTICE OF EXPRESS MAILING

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DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, Tienteh Chen, Richard J. McManus, Tony Pidding, and Barbara Walczak, each declares and states:

1. I am an inventor or co-inventor of the invention described in one or more of the claims of U.S. Patent Application 10/613,495.

2. I am informed and believe that a communication from the U.S. Patent Office was mailed on or about March 24, 2005, regarding the above-referenced application. I am informed and believe that claims 1-8 were rejected under 35 U.S.C. 103 as assertedly being obvious over Nakano et al., U.S. Patent Application Publication US2003/0186003 A1, filed March 31, 2003, in combination with other references.

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3. We conceived and/or reduced to practice the subject matter of claims 1-8 of U.S. Patent Application 10/613,495 in a NAFTA or WTO member country before the filing date of the Nakano et al. reference, i.e., before March 31, 2003.

4. To show conception and/or reduction to practice of the subject matter of claims 1-8 of U.S. Patent Application 10/613,495 before March 31, 2003, attached hereto as Exhibit A is a copy of an invention disclosure (redacted for dates) and Exhibit B: a graph evidencing reduction to practice before the filing date (March 31, 2003) of the Nakano et al. reference.

5. The invention disclosure indicates that the invention includes an "ink receiving layer on a commercial off set and cast coated paper." (Exhibit A, page 2). The invention disclosure further discloses that the ink receiving layer is present at 3-5 GSM (i.e., grams per square meter). (See, *Id.*) Exhibit B discloses the use of Zanders supergloss base paper (cast coated) in the print medium, wherein the Zanders supergloss base paper possesses the Sheffield smoothness and porosity characteristics of claim 1. (See, Exhibit B and as-filed Specification, paragraph [0024], Table 1 indicating the Sheffield smoothness and porosity characteristics of the Zanders supergloss base paper).

5. Accordingly, Exhibits A and B demonstrate possession and/or reduction to practice of the elements of claims 1-8 before the filing date of the Nakano et al. reference.

6. I hereby declare that all statements are made on my own knowledge, are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both under § 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application or any patent issues therefrom.

Nienteh Chen
Nienteh Chen

6/6/2005
Date

Richard J. McManus
Richard J. McManus

5/27/05
Date

Serial No. 10/613,495

Tony Pidding
Tony Pidding

27-MAY-05
Date

Barbara Waleczak
Barbara Waleczak

5/27/05
Date

Document in Prolog